

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANCE THOMAS,

Defendant.

4:14CR3018

MEMORANDUM AND ORDER

On April 21, 2014, the court received notice from the U.S. Marshal that the defendant was seen and treated at the Crete Area Medical Center on April 21, 2014. The defendant is in custody at the Saline County Jail and was hallucinating.. Although the emergency room physician, in conjunction with other physicians (Dr. Troy Miller and Dr. Duvall) and the Bryan West Psychiatric unit in Lincoln, Nebraska, concluded the defendant needed a prompt psychiatric evaluation, and a bed was open at the Bryan West unit to immediately conduct that evaluation, the U.S. Marshal would not provide this treatment without a court order. The Marshal explained that based on its policies and procedures, absent an emergency or an order requiring the defendant to undergo a competency evaluation by the Bureau of Prisons, (which will delay any treatment by at least a month), a mental health evaluation and treatment must be ordered by the court.

During a hearing held today on the court's own motion, defense counsel stated the defendant is coherent. The court examined the defendant and he was oriented as to place, day, and time. There was no evidence of current hallucinations. Mental competency does not currently appear to be the issue, and while in the courtroom, the defendant did not appear to pose a risk of harm to himself and others. But the licensed medical professionals who have seen the defendant, or been consulted regarding the defendant's symptoms, agree that he needs an immediate evaluation to determine the cause of his hallucinations and to obtain proper psychiatric treatment.

Accordingly,

IT IS ORDERED:

- 1) Based on the information currently before the court, the defendant's mental health symptoms present a treatment issue, not a competency issue.
- 2) On or before April 25, 2014, the Marshal shall provide the defendant with a full psychiatric evaluation (as ordered by Dr. Amy Vertin at the Crete Area Medical Center), and with any medications prescribed for the treatment of his mental health issues.

April 23, 2014.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge